

**ORDERS ON I.A NO.8 AND 9**

The defendant has filed application U/o 18 Rule 17 of CPC and U/s 151 of CPC to recall and reopen the case from the stage of defendants evidence to further cross examination of PW.1 in the interest of justice and equity.

2. In the affidavit application the defendant No.1 stated that, previously the case was posted for further cross-examination of PW.1 but due to heavy traffic jam he was not able to reach before this court.

Hence, the case was called out and closed the stage of further cross-examination of PW.1 taken as nil and posted for defendants evidence. Hence, it is just and necessary to reopen the case from the stage of defendants evidence to further cross-examination of PW.1. Hence, it is prayed to allow the application.

3. On the other hand, the learned counsel for the plaintiff No.4 has filed objection stating that, the above said application is not maintainable either in law or on facts and the same is liable to be dismissed in limine. When the matter is posted for further cross-examination of PW.1, the defendant did not appear before the court however they have taken sufficient opportunity and the said application is filed to drag on the proceedings. Hence, prays to dismiss the applications with heavy costs.

4. Matter is heard on both the sides.

5. When the entire order sheet is perused, it clearly reflects that the matter is of the year 2019 and the suit is for the relief of permanent injunction and sufficient time has been given to the defendant to further cross-examine the PW.1. However, the same was not utilized. Now when the stage was kept for leading defendant evidence the present applications are filed. However, at this stage after prolonged sequence of trial the matter is now reaching to its final venture. Hence, this court is of the opinion that, if the applications is considered at this stage itself the same would avoid multiplicity of proceedings and further delay. However, the defendant filing the said applications at the subsequent stage of leading their evidence, it clearly shows that, they have caused delay. Hence, the said plaintiff has to be compensated for the same for which the costs has to be imposed on the plaintiff in this regard. Hence, with the said observation this court proceeds to pass the following:

**ORDER**

The application No.8 and 9 filed by defendant is hereby allowed on costs of Rs.300/- and as final chance with no adjournment in this regard.

Accordingly PW.1 is recalled for further cross-examination.

Call on 20.08.2025.

**Sd/-**  
**I A.C.J & JMFC, Kanakapura.**